

Appl. No. 10/660,528
Amdt. Dated December 8, 2005
Reply to Office action of September 8, 2005

REMARKS/ARGUMENTS

Claim Amendments

Claims 20 and 22 are cancelled. Claims 21 and 23 to 32 are pending and under consideration.

Claims 21 and 29-31 are amended. The Applicants submit that the amendments are supported by the application as filed. All amendments are without admission or prejudice to the Applicant's right to seek any cancelled subject matter in a continuing application.

Claim 21 is amended to incorporate the matter of former claim 22.

Claims 29 and 30 are amended to remove the references to strut attached surfaces, to replace the words "engaging surfaces" with "contact surfaces" and to grammatically amend the claims. Claim 30 is also amended to depend on claim 27 rather than claim 29. The Applicant submits that the amended claims are supported by, for example, paragraphs 59 and 60 of the specification. Claim 31 is amended as supported by, for example, paragraphs 57 and 58 and Figure 29.

Drawings

The drawings were objected to for not showing some elements recited in claims 29 or 30. The references to "strut attaching surfaces" have been removed from these claims. The references to "engaging surfaces" have been replaced with reference to "contact surfaces" which are shown as elements 178 in various Figures. For example, paragraph 61 refers to Figures 25 and 26 which show contact surfaces 178. The Applicants submit that no amendments to the drawings are required in view of the amended claims.

Claim Rejections – 35 USC 112

Claims 29 and 30 were rejected for failing to comply with the written description requirement or for failing to distinctly claim the subject matter of the invention. Claims 29 and 30 have been amended as described in the section on objections to the drawings above. The Applicants submit that the amended claims satisfy 35 USC 112.

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Claim 31 was rejected in relation to the language "the cords of at least one of the cords..." The claim has been amended to remove the words "of the cords". The Applicants submit that the amended claim satisfies 35 USC 112.

Claim Rejections – 35 USC 102

Claim 20 was rejected but has been cancelled.

Claim 21 as rejected for anticipation but has been amended to incorporate the matter of claim 22 which was not rejected for anticipation. The rejection of former claim 22 will be discussed further below.

Claims 23 and 31 were rejected as being anticipated by Beltz. The Applicant respectfully traverses this rejection. Connecting two truss sections is discussed in Beltz at column 3, line 56 to column 4, line 26. Two truss sections are held together by a cord coupler 32 having a set of holes having a 1 to 1 correspondence with holes in the ends of the cords 12, 14. Each hole is filled with a pin 38. Thus, an assembly of two truss sections according to Beltz has only one width, a width of twice the width of one truss section. The only way to provide a different width of a truss in Beltz is to provide a different number of truss sections. Such a system does not satisfy the wherein clause of claim 23.

Claim 31 depends on claim 23 and is not anticipated for at least that reason. Claim 31 also describes a line of holes extending from near the end of a truss section to beyond a first of the struts. The truss of Beltz does not provide at least this aspect of claim 31.

Claim Rejections – 35 USC 103

Claims 24, 27-30 and 32 were rejected as being obvious over Beltz. The applicants respectfully traverse this rejection. Regarding claim 24, as discussed in relation to claim 23, to the extent that Beltz might make it obvious to connect three truss sections together, such a composite truss would have only one width and so would not satisfy the wherein clause of claim 24. Regarding claims 27-30 and 32, the Office Action proposes that it would be obvious to make one end of a cord smaller in Beltz. However, such a change is not suggested in Beltz and would create fabrication and strength

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issues that Beltz does not teach how to solve. The doctrine in *In re Larson* does not apply since the claims do not describe a unitary construction of any multiple piece assembly in Beltz. Claims 29, 30 and 32 also go beyond merely having a small cord sliding within a large cord and the Office Action does not provide any evidence as to why the additional elements in these claims would be obvious. For these reasons, in addition to the comments made in relation to claim 23 above, the Applicants submit that the Office Action does not establish a prima facie case of obviousness of claims 24, 27-30 and 32.

Claims 22, 25 and 26 were rejected as being obvious over Beltz in view of Botel. Although claim 22 has been cancelled, claim 21 has been amended to have the same scope as former claim 22 and so the Applicant will address the implied obviousness rejection of current claim 21.

The Office Action proposes that Beltz includes all elements of claim 23 and that it would be obvious to modify the invention of Beltz to include elements 9-18 of Botel to allow a variance of tension within the resulting truss structure. As discussed above, the Applicants submit that Beltz does not provide all elements of claim 23. Further, nothing in Beltz teaches or suggests a use or need for an ability to vary tension within a truss structure. Botel also does not teach that his device is useful for allowing a variance of tension within a truss structure as defined by claim 23. In relation to claim 26, Botel does not teach a vertically oriented adjustable member. Accordingly, the Applicant submits that the Office Action does not provide a prima facie case of obviousness since there is no teaching in either reference towards their combination and the references fail to provide all elements of the claims.

Respectfully submitted,

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